

REMARKS

Applicants acknowledge receipt of the Examiner's Office Action dated August 26, 2008.

Claims 56-58, 60-66, 68-74, 76-82, 83-87 are pending in the application.

Claims 56-58, 60-66, 68-74, 76-82, 83-87 have been rejected.

Rejection of Claims under 35 U.S.C. § 102

Claims 56-58, 60-66, 68-74, 76-82, 83-87 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,754,661 B1 issued to Brookler et al., ("*Brookler*").

Applicants have chosen to respectfully disagree and traverse the rejection, as follows.

Applicants reserve the right, for example, in a continuing application, to establish that the cited reference, or other references cited now or hereafter, do not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed.

As an initial matter, the present Office Action merely cites repeatedly to various portions of *Brookler* without applying the reference by providing reasoning as to how those sections map to the elements recited in Applicants' claims. This has resulted in substantial confusion as to which components of *Brookler* are intended by the Examiner to map to various elements recited in Applicants' claims. In spite of this confusion, Applicants have attempted to respond to the Office Action in as meaningful a manner as possible, as shown below.

As will be appreciated, "[a] ... claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegall Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051,

1053 (Fed. Cir. 1987). Applicants respectfully submit that this burden has not been met by the present Office Action. Claim 56, for example, recites:

56. A computer-implemented method comprising:
associating an item with a class, wherein
the class comprises associated attributes that describe members of the class,
the associating comprises determining a class in a hierarchy,
the determining is based on associated attributes necessary to describe the item,
the associated attributes are associated with the class in the hierarchy, and
the associating the item comprises selecting the class such that each associated
attribute has a non-null value in describing the item;
storing a first record associating the item with the selected class; and
storing a second record associating the item with each associated attribute of the class and
a value of the attribute describing the item.

Applicants respectfully submit that the present Office Action does not articulate a *prima facie* case of anticipation by *Brookler*, because *Brookler* fails to teach the elements recited in Applicants' Claim 56. Likewise, *Brookler* fails to teach the limitations of independent Claims 64, 72 and 80, which are rejected under substantially the same logic as that applied in the rejection of Claim 56.

Specifically, Claim 56 recites, "the associating comprises determining a class in a hierarchy, the determining is based on associated attributes necessary to describe the item, [and] the associated attributes are associated with the class in the hierarchy." The Office Action asserts that *Brookler* teaches "the associated attributes are associated with the class in the hierarchy" at Col. 13, lines 1-30. The Office Action notes that:

Regarding claim 56, applicant argued that *Brookler* does not teach "the associating comprises determining a class in a hierarchy, the determining is based on associated attributes necessary to describe the item, the associated attributes

are associated with the class in the hierarchy”. On the contrary, Brookler clearly teaches at Col. 13, lines 1-30 and Fig. 11 the step of identifying categories of a data items base on the “the data items and their associated attributes.”

Office Action, Page 4.

However, to the contrary, the text quoted by the Office Action clearly demonstrates that *Brookler* does not teach the recited “the associated attributes are associated with the class in the hierarchy.” Rather, the cited text appears to indicate that attributes are associated with data items, instead of being associated with the class. In its entirety, the segment of *Brookler* cited by the Office Action makes the distinctions between the claims and *Brookler* even clearer:

The tables of FIG. 4 and their structure are preferably determined by analyzing typical data that is to be stored and their interrelationships. FIG. 11 provides a diagram of process steps to define a schema of FIG. 4 according to the present invention. At step S1101, categories are identified from the data items and their associated attributes. That is, a category is defined for each unique combination of attributes associated with the data items. Data items with like attributes are grouped into the same category. Attributes that are common to all of the data items may be included as fields in UFT 401.

If they do not already exist, at step S1101, UFT 401 and category table 403 are created. UFT 401 includes a record ID (e.g., UFT ID) and attributes common to all of the data items. Category table 403 includes a record for each of the categories, each record comprising fields including a category ID and possibly a category description, or name. Category table 403 may further includes attributes associated with the categories themselves (e.g., an alias and/or hidden attribute).

Brookler, Col. 13, lines 1-20 (Emphasis supplied). Rather than the claimed “the associating comprises determining a class in a hierarchy, the determining is based on associated attributes necessary to describe the item, [and] the associated attributes are associated with the class in the hierarchy,” *Brookler* teaches “attributes associated with the data items.” As an initial matter, a correspondence between *Brookler*’s attributes and the attributes recited in Claim 56 is not supported, and Applicants do not concede that such a correspondence exists. The attributes of *Brookler* are associated with a data item; by contrast, the claimed attributes are associated with

the claimed class. The relationship between *attributes and a data item* taught by *Brookler* fails to teach the relationship between *attributes and a class* recited in Applicants' claims. Applicants claim "associated attributes are associated with the class" and "determining is based on associated attributes." *Brookler* teaches "categories are identified from the data items and their associated attributes," thereby stating an association between the data item and the attribute used for determining, rather than the claimed "associated attributes are associated with the class." *Brookler* therefore fails to teach a limitation of Applicants' claims (determining based on attributes associated to class) and instead teaches away from Applicants' recited limitations by teaching associating attributes with a data item.

For at least this reason, Applicants respectfully submit that the Office Action fails to present a *prima facie* case of anticipation of Claim 56 by *Brookler*. Claims 64, 72 and 80 are rejected under similar reasoning and are, likewise, patentable over *Brookler*. Similarly, Claims 57-63, 64-71, 73-79 and 81-87 depend from and further patentably distinguish Claims 56, 64, 72 and 80, respectively, and are likewise in condition for allowance. Applicants therefore request the Examiner's reconsideration and withdrawal of the rejections to those claims and an indication of the allowability of same.

Additionally, Claim 60 recites "said storing the first record is to a first memory structure, and said storing the second record is to a second memory structure." The Office Action cites to Figures 4-10 for the recited "said storing the first record is to a first memory structure, and said storing the second record is to a second memory structure." Applicants respectfully submit that Figures 4-10 do not anticipate Claim 60, because none of Figures 4-10 shows the necessary distinct memory structures storing separate records.

In fact, *Brookler* teaches away from Claim 60. Specifically, the abstract of *Brookler* states:

The present invention provides for storage of data items with dissimilar structures in a single database table while minimizing the problems associated with prior approaches. In one aspect of the invention, a method of efficiently storing data items in a database management system (DBMS) is provided wherein each data item has at least one attribute associated with it, the method comprising identifying a set of attributes associated with each data item, creating, for use with all of the data items, a common data structure that excludes those attributes unique to any one of the data items, and associating each data item with attributes excluded from the data structure.

Brookler, Abstract (Emphasis supplied).

Applicants have claimed a first memory structure and a second memory structure.

Brookler explicitly teaches “a single database table.” The cited figures, rather than showing Applicants’ claimed “said storing the first record is to a first memory structure, and said storing the second record is to a second memory structure,” show in Figure 4 and Figure 5 linkages between records (indicative of a single memory structure). Figures 6A-10 show integrated tables containing multiple records (also indicative of a single memory structure). Thus, not only do the cited figures not show “said storing the first record is to a first memory structure, and said storing the second record is to a second memory structure,” one would not expect them to do so, because the abstract of *Brookler* indicates that *Brookler* is instead directed to “a single database table” and “a common data structure.”

With respect to Claim 60, *Brookler* fails to meet the standard that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in the reference. *Brookler* fails to meet this standard because Applicants’ claimed first “said storing the first record is to a first memory structure, and said storing the second record is to a second memory structure” is not shown. *Brookler* also goes further and affirmatively

teaches away from the claimed invention by stating “a single database table” and “a common data structure” in opposition to the recited “said storing the first record is to a first memory structure, and said storing the second record is to a second memory structure.”

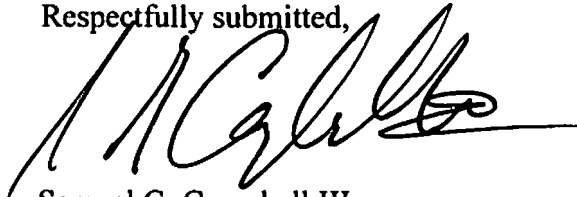
For at least this reason, Applicants respectfully submit that the Office Action fails to present a *prima facie* case of anticipation of Claim 60 by *Brookler*. Claims 68, 76 and 84 are rejected under similar reasoning and are, likewise, patentable over *Brookler*. Similarly, Claims 61-62, 69-70, 77-78 and 85-86 depend from and further patentably distinguish Claims 60, 68, 76 and 84, respectively, and are likewise in condition for allowance. Applicants therefore request the Examiner’s reconsideration and withdrawal of the rejections to those claims and an indication of the allowability of same.

CONCLUSION

Applicants submit that all claims are now in condition for allowance, and an early notice to that effect is earnestly solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is requested to telephone the undersigned.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. G. Campbell III', with a long horizontal flourish extending to the right.

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